

GOVERNMENT OF TELANGANA

ABSTRACT

SCDD – Cancellation of Scheduled Caste Certificate of Smt B.Raja Ratnam, Lecturer, Andhra Saraswatha Parishad Oriental College, R/o 8-71, Mythripuram, Beside Karmanghat, Vaishalinagar Post, Hyderabad by the Collector & District Magistrate, Hyderabad – Filing of appeal petition against the said proceedings of the District Collector, Hyderabad – Appeal Rejected – Orders - Issued.

SCHEDULED CASTES DEVELOPMENT (POA.A2) DEPARTMENT

G.O.MS.No. 13

Dated: 27/04/2016

Read the following:

1. Proceedings of the District Collector, Hyderabad, R.Dis.Lr.No.C1/2599/2011, dated: 08-12-2011.
2. Appeal petition by Smt.B. Raja Ratnam, Karmanghat, Hyderabad, dated: 19-12-2011.
3. Caveat Petition by Sri Manda Krishna Madiga, President, MRPS, Parsigutta, Secunderabad, dated: 17-11-2011.
4. Orders of Hon'ble High Court dated 28.12.2011 in W.P.No.34322 of 2011 filed by B.Raja Ratnam, Karmanghat, Hyderabad.
5. Govt.Memo No.17911/CV-I/2011-1, Dt.17.01.2012.
6. From the Collector & District Magistrate, Hyderabad District Lr.No.C1/2599/2011, Dt.14.03.2012.
7. Written arguments submitted by Sri Manda Krishna Madiga, (the Respondent No.3) President, MRPPS (impleded), dt.01.09.2012
8. Additional counter dated 02.07.2012 filed by Smt B.Raja Ratnam.
9. From the Commissioner of Collegiate Education, Hyderabad, AP Lr.Rc.No.1400/Admn V-1/2010, Dated 25.10.2012.
10. Written arguments dated .07.2012 & 29.10.2012 of Smt B.Raja Ratnam.
11. From the Commissioner of Collegiate Education, Hyderabad, AP Lr.Rc.No.1400/Admn-V-B/2011, Dated 23.06.2013.

ORDER:-

In the reference 1st read above, the Collector & District Magistrate, Hyderabad has cancelled the Scheduled Caste (**Madiga**) Certificate of Smt B.Raja Ratnam, Lecturer, Andhra Saraswatha Parishad Oriental College, Hyderabad.

2. Aggrieved by the said Proceedings of the Collector & District Magistrate, Hyderabad, Smt B. Raja Ratnam, Hyderabad has filed an appeal petition before the Government vide reference 2nd read above and while submitting the grounds therein, requested to set aside the proceedings issued by the Collector & District Magistrate, Hyderabad vide reference 1st read above.

3. In the reference 3rd read above, Sri Manda Krishna Madiga S/o Manda Komuraiah, President of MRPS, has filed a Caveat petition on 17-11-2011 before the Government and prayed the Government to issue notice to him before passing any interim orders in the appeal of Smt.B.Raja Ratnam, if she files appeal against the orders of the District Collector and pass such other order or further orders as deemed fit and proper in the circumstances of the case.

4. In the reference 4th read above, the Hon'ble High Court, without going into the merits of the case disposed of the Writ Petition with the direction to the Government to dispose of the appeal within a period of three months from the date of receipt of a copy of the order, as the appeal is pending before the Government. The Honourable High Court also passed orders therein suspending the order in R.Dis.No.C1/2599/2011, dated 08.12.2011 of District Collector, Hyderabad, pending disposal of the appeal before the Government.

(p.t.o.)

5. In the reference 5th read above, the Government while admitting the appeal petition requested the District Collector, Hyderabad to furnish Parawise remarks and connected records in original to examine and dispose off the appeal petition pending before the Government.

6. The Collector, Hyderabad District vide reference 6th read above has furnished the relevant records and para wise remarks on the appeal petition filed by Smt B.Raja Ratnam, Hyderabad and among others requested the Government to dismiss the appeal of Smt.B. Raja Ratnam as it deserves no merits and pass such other order or orders as deemed fit and proper in the circumstances of the case.

7. The case was taken up for personal hearing by the Government, as such several hearings were held by appropriate authority in the case. Both the appellant and Caveat Petitioner / Respondent have attended the said hearings.

8. In the reference 7th read above, Sri Manda Krishna Madiga has filed the written arguments and among others prayed to dismiss the appeal filed by Smt B.Raja Ratnam as it is devoid of merits etc.,

9. In the reference 10th read above, Smt B.Raja Ratnam, Lecturer has filed the written arguments and among others prayed to allow the appeal as the 3rd respondent (Sri Manda Krishna Madiga) has failed to prove the same. In her further written arguments, Smt B.Raja Ratnam, among others prayed to consider the written arguments filed by her and also take into consideration of the material filed along with the appeal which was not considered by the District Collector in a proper perspective and allow the appeal by setting aside the order of the District Collector dated 08.12.2011 and do needful justice.

10. Government have examined the matter in detail and observed that in the instant case, Smt B.Raja Ratnam's father, Sri Rama Raju is BC-D, mother, Smt. Kavali Jayamma is SC-Madiga, brother, Sri B.Ganeswar Raju is BC-D (Bhatraju), husband, Sri Papa Raju is BC-D (Bhatraju) and daughter, S.Vineela Bharathi is also Bhatraju (BC-D). Further, Smt.Birudha Rajaratnam was never brought up in the customs and traditions of SC-Madiga Community, but was brought up in the customs and traditions of her father's Bhatraju Community which is a BC Community. It is also evident, as she has not married to a SC person, but married to a BC person under the customs & traditions of BC Bhatraju i.e., customs of her father. Her brother also got married in customs & traditions of BC Bhatraju. Hence she has born and brought up under the customs of BC Bhatraju. It is also observed that BC-D caste certificate is issued to her brother vide C/958/98 of MRO, Amberpet, Dated 12.4.1998 and mere submission of request by her brother for cancellation of BC caste certificate does not prove that she is born and brought up in SC-Madiga Community and entitled to claim her caste status as SC. Moreover, the Honorable Supreme Court held in Punit Rai case in para 27 that, "the Caste System in India is ingrained in the Indian mind. A person in the absence of any statutory law would inherit his Caste from his father and not his mother even in case of inter Caste marriage".

11. Government after careful examination in detail of the entire matter and the material made available with it, concludes that, Smt.B.Raja Ratnam was not brought up in the customs & traditions of SC-Madiga, the caste of person depends on the caste of the Father and hence Smt B.Raja Ratnam belongs to BC-D Bhatraju Community. Therefore the decision taken by the Collector and District Magistrate, Hyderabad is correct & in accordance with Law. Under the circumstances, the orders issued by the Collector and District Magistrate, Hyderabad are hereby confirmed.

12. The Government, therefore, in exercise of the powers conferred u/s 7 of Act No. 16 of 1993, decide that the appeal petition filed by Smt B.Raja Ratnam do not deserve any interference. Hence, Proceedings of the Collector

Contd...

& District Magistrate, Hyderabad issued vide No.C1/2599/2011, dated: 08.12.2011 are upheld and the appeal of Smt B. Raja Ratnam, Lecturer, (previously Andhra Saraswatha Parishad Oriental College, Hyderabad) Telangana Saraswatha Parishad Oriental College, Hyderabad is hereby rejected.

13. The Collector & District Magistrate, Hyderabad and Commissioner of Collegiate Education, Government of Telangana, Hyderabad are directed to take further necessary action in the matter accordingly, as per the provisions of Act No.16 of 1993.

14. The records furnished by the Collector & District Magistrate, Hyderabad vide reference 6th read above (containing pp.1-1164 C.F., and pp.1-28 N.F.,) are returned herewith and he is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**BENHUR MAHESH DUTT EKKA
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate,
Hyderabad (w.e.)

(With Original records)

Smt B. Raja Ratnam,
Lecturer, Telangana Saraswatha Parishad Oriental College,
Hyderabad (through the Collector & District Magistrate,
Hyderabad).

The Commissioner of Collegiate Education, Government of Telangana,
Hyderabad, Opp. to Lata Complex, Nampally.

The Principal, Telangana Saraswatha Parishad Oriental College,
Tilak Road, Hyderabad.

Copy to:

Sri Manda Krishna Madiga S/o Manda Komuraiah,
President of Madiga Reservation Porata Samithi,
R/o (O/o) 11-3-66/4/397, Sanjeeva Puram,
Parsigutta, Secunderabad.

Sri G.Satish, Advocate,
Flat No.302, Hill Top Residency,
Beside Skandagiri Temple,
Street No.13, Walkar Town,
Padmarao Nagar, Secunderabad-25.

M/s J.Ramachandra Rao (3936), Advocate,
Flat No.401, Prathima Residency,
King Koti Road,
Opp. Bharatiya Vidya Bhavan,
Hyderabad.

The P.S. to Minister(Energy, SCD & Coop)

The P.S. to Secretary to Government, SCDD
SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER